

EXHIBIT A

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CASE NUMBER

20 CV 000190

JUDGE

KIMBERLY COCROFT

PLAINTIFF(S)

Name

HERR LLC

355 HALL STREET

BRIDGEPORT, OH 43912

KELLY DLESK

TYPE of CASE

CONSUMER SALES PRACTICE

COURTROOM

COURTROOM 4E

345 SOUTH HIGH STREET

4TH FLOOR

COLUMBUS, OH 43215

STATUS

ACTIVE

DATE FILED

01/08/2020

DEFENDANT(S)

Name

AMERICAN EXPRESS COMPANY

MRS ASSOCIATES INC

TRUIST BANK

CLIENT SERVICES INCORPORATED

3451 HARRY S TRUMAN BLVD

SAINT CHARLES, MO 63301

HF HOLDINGS INC

JPMORGAN CHASE BANK NA

FIRSTSOURCE ADVANTAGE LLC

205 BRYANT WOODS SOUTH

AMHERST, NY 14228

PHILIPS AND COEN ASSOCIATES LTD

1002 JUSTISON STREET

WILMINGTON, DE 19801

BARCLAYS BANK PLC

C/O CT CORPORATION SYSTEM

4400 EASTON COMMONS WAY

SUITE 125

COLUMBUS, OH 43219

Attorney

ROBERT H MILLER

ROBERT HUFF MILLER LLC

100 EAST BROAD STREET

16TH FLOOR

COLUMBUS, OH 43215

(614) 384-5794

ROBERT H MILLER

Attorney

NO ATTORNEY ON RECORD

NO ATTORNEY ON RECORD

NO ATTORNEY ON RECORD

NO ATTORNEY ON RECORD

NO ATTORNEY ON RECORD

VINCENT I HOLZHALL

NO ATTORNEY ON RECORD

NO ATTORNEY ON RECORD

NO ATTORNEY ON RECORD

CASE SCHEDULE

Date

Description

01/08/20

CASE FILED

INITIAL STATUS CONFERENCE

05/27/20

INITIAL JOINT DISCLOSURE OF ALL WITNESSES

07/22/20

SUPPLEMENTAL JOINT DISCLOSURE OF ALL WITNESSES

10/14/20

DISPOSITIVE MOTIONS

10/28/20

DISCOVERY CUT-OFF

12/09/20

DECISIONS ON MOTIONS

12/23/20

FINAL PRE-TRIAL CONFERENCE/ORDER (OR BOTH)

01/06/21

TRIAL ASSIGNMENT

DOCKET

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SERVICE COMPLETE - CERTIFIED MAIL

E3147

V80

1

01/21/20

SERVICE COMPLETE - CERTIFIED MAIL

E3147

V79

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E3144

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1

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PROOF OF SERVICE ISSUED - CERTIFIED MAIL

E3144

B97

1

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SUMMONS ISSUED

E3144

D31

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E3144

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1

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 01/09/20	APPLIED - DAILY REPORTER			00	
 01/09/20	APPLIED - COURT COMPUTERIZATION			00	
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 01/08/20	HEARING/EVENT SCHEDULED				

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

HERR LLC
355 HALL STREET
BRIDGEPORT, OH 43912,

PLAINTIFF,

VS.

AMERICAN EXPRESS COMPANY
C/O C T CORP
4400 EASTON COMMONS WAY
SUITE 125
COLUMBUS, OH 43219,

DEFENDANT.

20CV-01-190

CASE NUMBER

**** SUMMONS ****

01/08/20

TO THE FOLLOWING NAMED DEFENDANT:

MRS ASSOCIATES INC
701 BROOKSEGE PLAZA DR
WESTERVILLE, OH 43081

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,
BY: HERR LLC
355 HALL STREET
BRIDGEPORT, OH 43912,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF
THE PLAINTIFF'S ATTORNEY IS:

ROBERT H. MILLER
ROBERT HUFF MILLER LLC
100 EAST BROAD STREET
16TH FLOOR
COLUMBUS, OH 43215

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: BROOKE ELLIOTT, DEPUTY CLERK

(CIV370-S03)

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

JUDGE K. COCROFT

HERR LLC
ET. AL.,

PLAINTIFF,

VS.

AMERICAN EXPRESS COMPANY
ET. AL.,

DEFENDANT.

20CV-01-190

CASE NUMBER

CLERK'S ORIGINAL CASE SCHEDULE

	LATEST TIME OF OCCURRENCE
CASE FILED	01/08/20
INITIAL STATUS CONFERENCE	*****
INITIAL JOINT DISCLOSURE OF ALL WITNESSES	05/27/20
SUPPLEMENTAL JOINT DISCLOSURE OF ALL WITNESSES	07/22/20
DISPOSITIVE MOTIONS	10/14/20
DISCOVERY CUT-OFF	10/28/20
DECISIONS ON MOTIONS	12/09/20
FINAL PRE-TRIAL CONFERENCE/ORDER (OR BOTH)	12/23/20 0930AM
TRIAL ASSIGNMENT	01/06/21 0900AM

NOTICE TO ALL PARTIES

ALL ATTORNEYS AND PARTIES SHOULD MAKE THEMSELVES FAMILIAR WITH THE COURT'S LOCAL RULES, INCLUDING THOSE REFERRED TO IN THIS CASE SCHEDULE. IN ORDER TO COMPLY WITH THE CLERK'S CASE SCHEDULE, IT WILL BE NECESSARY FOR ATTORNEYS AND PARTIES TO PURSUE THEIR CASES VIGOROUSLY FROM THE DAY THE CASES ARE FILED. DISCOVERY MUST BE UNDERTAKEN PROMPTLY IN ORDER TO COMPLY WITH THE DATES LISTED IN THE RIGHT-HAND COLUMN.

BY ORDER OF THE COURT OF COMMON PLEAS,
FRANKLIN COUNTY, OHIO

____/____/____
DATE

MARYELLEN O'SHAUGHNESSY, CLERK

MARYELLEN O'SHAUGHNESSY

**FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS**

**CASE TITLE: HERR LLC ET AL -VS- AMERICAN EXPRESS COMPANY ET CASE NUMBER: 20CV000190
AL**

**TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:
CERTIFIED MAIL**

**DOCUMENTS TO BE SERVED:
COMPLAINT**

PROPOSED DOCUMENTS TO BE SERVED:

**UPON:
MRS ASSOCIATES INC
701 BROOKSEGE PLAZA DR
WESTERVILLE, OH 43081**

**TRUIST BANK
C/O CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY
SUITE 125
COLUMBUS, OH 43219**

**CLIENT SERVICES INCORPORATED
3451 HARRY S TRUMAN BLVD
SAINT CHARLES, MO 63301**

**HF HOLDINGS INC
1707 ORLANDO CENTRAL PKWY
STE 440
ORLANDO, FL 32809**

**JPMORGAN CHASE BANK NA
C/O CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY
SUITE 125
COLUMBUS, OH 43219**

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO
CIVIL DIVISION

HERR LLC	:	Case No.
355 Hall Street	:	
Bridgeport, OH 43912	:	Judge
	:	
and	:	
	:	
KELLY DLESK	:	
15 Stonegate Drive	:	
Wheeling, WV 26003	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
AMERICAN EXPRESS COMPANY	:	
c/o C T Corp	:	
4400 Easton Commons Way, Suite 125	:	
Columbus, OH 43219	:	
	:	
and	:	
	:	
FIRSTSOURCE ADVANTAGE, LLC	:	
205 Bryant Woods South	:	
Amherst, NY 14228	:	
	:	
and	:	
	:	
JPMORGAN CHASE BANK, N.A.	:	
c/o CT Corporation System	:	
4400 Easton Commons Way, Suite 125	:	
Columbus, OH 43219	:	
	:	
and	:	
	:	
HF HOLDINGS, INC.	:	
1707 Orlando Central Pkwy	:	
Ste. 440, Orlando, FL 32809	:	
	:	
and	:	
	:	
CLIENT SERVICES INCORPORATED	:	
3451 Harry S. Truman Blvd.	:	
Saint Charles, MO 63301-4047	:	

and

TRUIST BANK
c/o CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

MRS ASSOCIATES INC
701 Brooksedge Plaza Drive
Westerville Ohio 43081

and

BARCLAYS BANK PLC
c/o CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

PHILIPS AND COEN ASSOCIATES LTD.
1002 Justison Street
Wilmington, DE 19801

Defendants.

COMPLAINT
WITH JURY DEMAND

Now come Plaintiffs, Herr LLC and Kelly Dlesk, by and through counsel, and for their Complaint against Defendants AMERICAN EXPRESS COMPANY, JPMORGAN CHASE BANK, N.A., TRUIST BANK (fka BB&T), and BARCLAYS BANK PLC (collectively, “Bank Defendants”) and FIRSTSOURCE ADVANTAGE, LLC, HF HOLDINGS, INC., CLIENT SERVICES INCORPORATED, MRS ASSOCIATES INC, and PHILIPS AND COEN ASSOCIATES LTD. (collectively, “Collection Agency Defendants”), state and allege upon personal knowledge as to themselves and their own acts and upon information and belief as to all other matters as follows:

PRELIMINARY STATEMENT

1. Plaintiffs bring this action for economic damages, non-economic damages, punitive damages, attorney’s fees, and the costs of this action against Defendants under the common law and the Ohio Consumer Sales Practices Act (“CSPA”). Bank Defendants offered and opened credit accounts for Plaintiffs. Eventually, Plaintiffs fell on hard times. Plaintiffs notified all of the Defendants of this hardship and attempted in good faith to implement a plan to make payments. However, Bank Defendants ignored these plans, refused to work in good faith, and proceeded to retain Collection Agency Defendants to attempt to collect on amounts they alleged were due from Plaintiffs. Defendants – even after being notified by the Plaintiffs’ counsel – persisted in using unlawful tactics to apply pressure in attempts to collect these alleged debts in violation of applicable law and contracts.

2. Plaintiff Herr LLC is an Ohio limited liability company with its principal place of business located in Ohio and many of the acts complained of herein occurred in or were directed at Ohio.

3. Plaintiffs utilized certain accounts with the Bank Defendants primarily for personal, family or household purposes.

4. Collection Agency Defendants are “suppliers” as defined by R.C. 1345.01(C) and are “debt collectors” under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the “FDCPA”).

5. Bank Defendants acted in concert with Collection Agency Defendants to violate the CSPA and the FDCPA.

6. Each Defendant violated 15 U.S.C. § 1692e, which generally forbids the use of "any false, deceptive, or misleading representation or means in connection with

the collection of any debt" and 15 U.S.C. § 1692f, which prohibits the use of any "unfair or unconscionable means to collect or attempt to collect any debt."

7. Defendants' wrongdoing includes, without limitation, harassing phone calls to Mrs. Dlesk, including at her place of business, and phone calls and correspondence to Mrs. Dlesk when her counsel expressly directed all correspondence to be directed through his firm, attempts to collect amounts not expressly authorized by the original debt instrument, attempts to collect amounts not due, and other deceptive, unfair, and misleading acts and practices.

8. Defendants possess a superior economic position and level of sophistication, and utilized the same to take unfair advantage of Plaintiffs in a time of need.

9. As a result of Defendants' actions, Plaintiffs have each been caused significant harm, economic damages, and noneconomic damages in excess of \$25,000 but less than \$75,000.

COUNT I - OHIO CONSUMER SALES PRACTICES ACT

10. Plaintiffs incorporate each of the preceding paragraphs as if fully rewritten herein.

11. Each Plaintiff is a "consumer" as that term is defined by R.C. §1345.01(D).

12. The knowing acts and practices of each Defendant (including Bank Defendants acting in concert with Collection Agency Defendants) complained of by Plaintiffs herein constitute unfair, deceptive and/or unconscionable sales practices under the CSPA in violation of R.C. §1345.02 and/or §1345.03, and/or interpretive rules promulgated by the Ohio Attorney General, and/or court decisions defining acts and

practices prohibited by the CSPA filed with the Ohio Attorney General's office prior to the events in question.

13. Plaintiffs have been damaged by these actions.

14. Defendants are liable to Plaintiffs for their losses.

WHEREFORE, Plaintiffs pray for judgment in their favor and against Defendants in an amount to be determined at trial, plus court costs, attorneys' fees, and such other legal and equitable relief as the Court may deem just and proper, for each and every violation that may be proven at trial.

COUNT II - BREACH OF CONTRACT

15. Plaintiffs incorporate each of the preceding paragraphs as if fully rewritten herein.

16. Plaintiffs and each of the Bank Defendants entered into contracts, which contracts are in the possession of Bank Defendants and Plaintiffs do not have copies in their possession at this time.

17. Each of the Bank Defendants breached its contract with Plaintiffs by, *inter alia*, attempting to collect amounts not expressly due and otherwise engaging in bad faith behavior under the contracts.

18. Each of the Bank Defendants also breached its duty of good faith and fair dealing under each of the contracts.

19. Plaintiffs performed under each of the contracts.

20. Plaintiffs have been damaged by each of the Bank Defendants breach of its contract with Plaintiffs.

21. Each of the Bank Defendants are liable to Plaintiffs for their losses.

WHEREFORE, Plaintiffs pray for judgment in their favor and against each of the

Bank Defendants in an amount to be determined at trial, plus court costs, attorneys' fees, and such other legal and equitable relief as the Court may deem just and proper, for each of the Bank Defendants breach of its contract with Plaintiffs.

COUNT III - FAIR DEBT COLLECTION PRACTICES ACT

22. Plaintiffs incorporate each of the preceding paragraphs as if fully rewritten herein.

23. The knowing acts and practices of Defendants (including Bank Defendants acting in concert with Collection Agency Defendants) complained of by Plaintiffs herein constitute violations of the FDCPA.

24. Plaintiffs have been damaged by these actions.

25. Defendants are liable to Plaintiffs for their losses.

WHEREFORE, Plaintiffs pray for judgment in their favor and against Defendants in an amount to be determined at trial, plus court costs, attorneys' fees, and such other legal and equitable relief as the Court may deem just and proper, for each and every violation that may be proven at trial.

COUNT IV - NEGLIGENCE

26. Plaintiffs incorporate each of the preceding paragraphs as if fully rewritten herein.

27. Each of the Bank Defendants owes a duty of care to Plaintiffs, its customers.

28. Each of the Bank Defendants breached the duty of care by, *inter alia*, failing to properly supervise and train their employees and contractors (including Collection Agency Defendants), failing to treat Plaintiffs, their customers, in accordance with applicable law, and failing to maintain and keep proper and accurate records, and

failing to follow Plaintiffs' directions in connection with communications concerning the accounts.

29. Plaintiffs have been damaged by these breaches.

30. Each of the Bank Defendants is liable to Plaintiffs for their losses.

WHEREFORE, Plaintiffs pray for judgment in their favor and against Bank Defendants in an amount to be determined at trial, plus court costs, attorneys' fees, and such other legal and equitable relief as the Court may deem just and proper, for Defendants' negligence.

JURY DEMAND

Plaintiffs request a trial by jury on all claims so triable.

Respectfully submitted,

/s/ Robert Huff Miller

Robert Huff Miller (0076939)
ROBERT HUFF MILLER LLC
100 East Broad Street, 16th Floor
Columbus, OH 43215
Telephone: 614.384.5794
Facsimile: 614.441.9280
Email: rob@roberthuffmiller.com
Counsel for Plaintiffs